

Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.

200 West Adams Street, Suite 2850

Chicago, Illinois 60606-5234

TELEPHONE: (312) 236-8500

FACSIMILE: (312) 236-8176

FACSIMILE COVER SHEET

TO:	United States Patent and Trademark Office Attention: Examiner Fortuna Group Unit No. 1723	NUMBER OF PAGES (INCLUDING THIS TRANSMITTAL SHEET):	7
------------	---	--	----------

FAX: 1-703-872-9310(9311) **PHONE:****DATE:** February 24, 2003**FROM:** Andrew G. Kolomayets

REFERENCE: Attorney Docket No.: F-5366
Serial No.: 09/111,915 - Filed: July 8, 1998
Title: Composite Membrane with particulate Matter Substantially
Immobilized Therein

FAX RECEIVED
FEB 25 2003
GROUP 1700

MESSAGE: Dear Examiner Fortuna:

Please advise us of the status of U.S. Patent Application No. 09/111,915. Attached for your reference is a copy of the Notice of Appeal filed on January 31, 2002, with a copy of the return postcard, indicating receipt on January 31. Also enclosed is a copy of the transmittal letter, the first page of the Appeal Brief and a copy of the Post Office receipt indicating a mailing date of July 1, 2002.

We look forward to hearing from you.

If you experience difficulty receiving this facsimile transmission, or a portion thereof, please contact CHRIS BARGLIK at 312-236-8500 for immediate assistance.

The information contained in this facsimile is intended only for the use of the individual or entity named above and those properly entitled to access to the information and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this transmission is not the intended or authorized recipient, you are hereby notified that any unauthorized distribution, dissemination, or duplication of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone or facsimile. Thereafter, please destroy all pages received. Thank you.

PTO/SB/31 (02-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) F-5366	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington D.C. 20231" on <u>January 31, 2002</u>.</p> <p>Signature <u>[Signature]</u> Typed or printed name <u>Yue X. Ren</u></p>		In re Application of Daniel R. Boggs, et al.	
		Application Number 09/111,915	Filed July 8, 1998
		For COMPOSITE MEMBRANE WITH PARTICULATE MATTER SUBSTANTIALLY IMMOBILIZED THEREIN	
		Group Art Unit 1723	Examiner Richard W. Ward
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 320.00</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____</p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50/1039</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record.</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____</p> <p><u>[Signature]</u> Signature</p> <p>Andrew G. Kolomayets Typed or printed name</p> <p><u>January 31, 2002</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input type="checkbox"/> Total of <u>1</u> forms are submitted.</p>			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Express
Mail No. EL
845499384US

FAK RECEIVED
FEB 25 2003
GROUP 1700

RECEIVED
FEB 11 2002

COOK, ALEX, McFARRON,
MANZO, CUMMINGS & MEHLER

THE U.S. PATENT & TRADEMARK OFFICE
OFFICIAL MAILBOOM STAMP AFFIXED
HERE TO, ACKNOWLEDGES RECEIPT OF

ENCLOSURES:

- () Application _____
 () Specification _____ pages
 () Claims _____ pages
 () Abstract _____ page(s)
 () Drawing Sheets no. _____ (F) _____ (INF) _____
 () Transmittal Letter _____
 (X) Check \$ 1,240.00 No: 8233
 () Declaration/Oath _____
 () Assignment and Cover Sheet _____
 () Information Disclosure Statement _____
 () Response/Amendment _____
 (X) Extension of Time (In Duplicate) (3 MONTH)
 () Small Entity Status _____
 () Copy of Priority Document _____
 (X) NOTICE OF APPEAL (PTO/PA/31)
 (X) FEE TRANSMITTAL (IN DUPLICATE)

RE: APPLICATION

ATTY/SEC: AGK/CABFile no: F-5366

Applicant:

DANIEL R. BOGGS, et al. (BOGGS, et al.)

S.N.:

09/111,915

Filing Date:

JULY 8, 1998

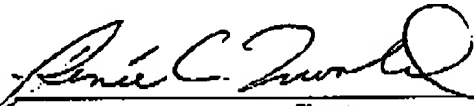
Title

COMPOSITE MEMBRANE WITH PARTICULATE
MATTER SUBSTANTIALLY IMMOBILIZED THEREIN

Due date:

01/31/2002Date Sent: 01/31/2002

COMBINED TRANSMITTAL OF APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity) *			Docket No. F-5366						
In Re Application Of: Daniel R. Boggs, et al.									
Serial No. 09/111,915	Filing Date 07/08/1998	Examiner Richard W. Ward	Group Art Unit 1723						
Invention: COMPOSITE MEMBRANE WITH PARTICULATE MATTER SUBSTANTIALLY IMMOBILIZED THEREIN									
<u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u>									
This is a combined Transmittal of Appeal Brief to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing an Appeal Brief.									
Applicant(s) hereby request(s) an extension of time of (check desired time period): <div style="display: flex; justify-content: space-between; align-items: flex-start;"><div><input type="checkbox"/> One month</div><div><input type="checkbox"/> Two months</div><div><input checked="" type="checkbox"/> Three months</div><div><input type="checkbox"/> Four months</div><div><input type="checkbox"/> Five months</div></div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"><div>from: <u>03/31/02</u> <small>Date</small></div><div>until: <u>06/30/02</u> <small>Date</small></div></div>									
The fee for the Appeal Brief and Extension of Time has been calculated as shown below: <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"><tr><td style="text-align: right;">Fee for Appeal Brief:</td><td style="text-align: right; border-bottom: 1px solid black;">\$320.00</td></tr><tr><td style="text-align: right;">Fee for Extension of Time:</td><td style="text-align: right; border-bottom: 1px solid black;">\$920.00</td></tr><tr><td style="text-align: right;">TOTAL FEE FOR APPEAL BRIEF AND EXTENSION OF TIME:</td><td style="text-align: right; border-bottom: 1px solid black;">\$1,240.00</td></tr></table>				Fee for Appeal Brief:	\$320.00	Fee for Extension of Time:	\$920.00	TOTAL FEE FOR APPEAL BRIEF AND EXTENSION OF TIME:	\$1,240.00
Fee for Appeal Brief:	\$320.00								
Fee for Extension of Time:	\$920.00								
TOTAL FEE FOR APPEAL BRIEF AND EXTENSION OF TIME:	\$1,240.00								
The fee for the Appeal Brief and extension of time is to be paid as follows:									
<div style="display: flex; flex-direction: column; gap: 10px;"><div><input checked="" type="checkbox"/> A check in the amount of \$1,240.00 for the Appeal Brief and extension of time is enclosed.</div><div><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed.</div><div><input type="checkbox"/> The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. _____ A duplicate copy of this sheet is enclosed.<div style="margin-left: 20px;"><input type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</div></div><div><input type="checkbox"/> If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. _____ A duplicate copy of this sheet is enclosed.</div></div>									
* and Amendment Under 37 CFR 1.116 filed concurrently herewith.									

COMBINED TRANSMITTAL OF APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)			Docket No. F-5366
In Re Application Of: Daniel R. Boggs, et al.			
Serial No. 09/111,915	Filing Date 07/08/1998	Examiner Richard W. Ward	Group Art Unit 1723
Invention: COMPOSITE MEMBRANE WITH PARTICULATE MATTER SUBSTANTIALLY IMMOBILIZED THEREIN			
<p style="text-align: center;"><u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u></p> <p>This combined Transmittal of Appeal Brief to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"><div style="width: 40%;"> <i>Signature</i> Renée C. Lewald, Registration No. 48,356 COOK, ALEX, MC FARRON, MANZO, CUMMINGS & MEHLER, LTD. 200 West Adams Street - Suite 2850 Chicago, IL 60606 (312) 236-8500</div><div style="width: 50%;"><p>Dated: <u>July 1, 2002</u></p></div></div>			
Certificate of Transmission by Facsimile*		Certificate of Mailing	
<div style="border: 1px solid black; padding: 5px;"><p>I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____) on _____ (Date)</p><hr/><p style="text-align: center;"><i>Signature</i></p><hr/><p style="text-align: center;"><i>Typed or Printed Name of Person Signing Certificate</i></p></div>		<div style="border: 1px solid black; padding: 5px;"><p>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.</p><hr/><p style="text-align: center;"><i>Signature of Person Mailing Correspondence</i></p><hr/><p style="text-align: center;"><i>Typed or Printed Name of Person Mailing Correspondence</i></p></div>	
<p>*This certificate may only be used if paying by deposit account.</p>			
CC:			

PATENT
Attorney Docket No. F-5366

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Daniel R. Boggs, et al.

Serial No.: 09/111,915

Filed: July 8, 1998

CPA Filed: September 14, 2000

Examiner: Richard W. Ward

Art Unit: 1723

For: COMPOSITE MEMBRANE WITH
PARTICULATE MATTER
SUBSTANTIALLY IMMOBILIZED
THEREIN

CERTIFICATE OF MAILING
BY "EXPRESS MAIL"

"Express Mail" Mailing Label No.: EV036895133US

Date of Deposit July 1, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231

NAME Renée C. Lewald

SIGNATURE *Renée C. Lewald*

Commissioner for Patents
Washington, D.C. 20231

APPEAL BRIEF

Dear Sir:

(1) REAL PARTY IN INTEREST

The real party in interest in this appeal is Baxter International Inc., assignee of the invention claimed in the present application, which assignment was recorded in the United States Patent and Trademark Office on or around February 5, 1999.

(2) RELATED APPEALS AND INTERFERENCES

None.

(3) STATUS OF CLAIMS

Claims 1-45 are cancelled. Applicants are appealing the rejection of pending claims 46-66.

FAX RECEIVED
FEB 25 2003
GROUP 1700